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LIBERTIES

RULE OF LAW REPORT

2025



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ROMANIA

FOREWORD

This country report is part of the Liberties Rule of Law Report 2025, which is the sixth annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental organisation (NGO) promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties NGOs from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

The 2025 report was drafted by Liberties and its member and partner organisations, and it covers the situation during 2024. It is a ‘shadow report’ to the European Commission’s annual rule of law audit. As such, its purpose is to provide the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right.

Liberties’ report represents the most in-depth reporting exercise carried out to date by an NGO network to map developments in a wide range of areas connected to the rule of law in the EU. The 2025 report includes 21 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Over forty member and local partner organisations contributed to the compilation of these country reports.

[Download the full Liberties Rule of Law Report 2025 here.](#)

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ROMANIA

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KEY CONCERNS

Justice System

The Romanian justice system has continued to implement several projects, particularly through the National Resilience and Recovery Plan, especially in improving the existing justice system and the IT infrastructure. Developments of IT infrastructure were, however, affected by some controversy. There has been significant criticism of the efficiency and fairness of the justice system, about a series of high-profile cases and a lack of high-profile convictions.

Romanian courts are still understaffed and they have a very high workload which may affect the quality of the justice system. However, there are several ongoing recruiting processes which may help alleviate the workload on judges. There have been no significant developments to ensure efficient investigation and prosecution of criminal offences in the judiciary. However, recent legal amendments allowed for more prosecutors to be appointed to the section charged with investigating such crimes.

Anti-Corruption Framework

No significant progress was made in the fights against corruption. There has been no progress to increase transparency over campaign contributions and spending and this has been seen as a leading factor in a series of controversies that arose around the four electoral cycles from 2024. Romania adopted a law implementing the Convention on Combating Bribery of

Foreign Public Officials in International Business Transactions.

There has been no progress yet to introduce rules on lobbying for Members of Parliament.

Media Environment and Media Freedom

The Romanian media landscape continues to face multiple challenges and falling levels of trust. It is also heavily funded through political advertising, which raises questions about its impartiality. In 2024 there were also a worrying number of threats made towards journalists.

There has been no progress on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.

Checks and Balances

The Romanian checks and balances system showed it is very vulnerable to misinformation and interference in electoral campaigns. Institutions have shown they were not able to foresee and prevent a rise in extremism and polarisation of Romanian society.

There was no further progress on ensuring effective public consultations before the adoption of legislation or on obtaining the accreditation of a National Human Rights Institution taking the UN Paris Principles into account.







Civic Space

No progress was made in terms of civic space. NGOs function under a limiting environment, with little access to funding and significant bureaucratic constraints. Activists and NGOs still face attacks and harassment.

Disregard of Human Rights Obligations and Other Systemic Issues Affecting the Rule of Law Environment

No significant progress was made in addressing human rights violations.

State of play (versus 2024)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances
-  Civic Space
-  Human Rights

Legend

Regression

No progress

Progress



JUSTICE SYSTEM -

Key recommendations

- *Identify and develop means to decrease the workload of judges and prosecutors, including identifying and applying a filter mechanism to dispense groundless legal claims, ensuring sufficient human resources, and alleviating administrative tasks from judicial professionals.*
- *Address the issues of the high frequency of legislative amendments; lack of coherence of the legislation in tax, litigation, civil, and criminal matters and inconsistency of legal provisions with the case law of national and international courts.*
- *Ensure adequate funding of the justice system, in particular, to address backlogs in paying legal aid lawyers, maintaining buildings and offices of the justice system, and paying salaries and benefits of judicial professionals, including those recognised by final court decisions.*
- *Further develop the current system of assessing caseload and collecting data on the justice system and use this data to develop coherent policies and ensure adequate human resources.*

Judicial independence

An association representing Romanian judges criticised the lack of reform in the justice system and it criticised how magistrates are promoted, in particular at the High Court of Cassation and Justice, where the promotion methods are based exclusively on an evaluation of the judgments delivered by the candidates

throughout their entire activity and interview, and this procedure is deemed to lack a truly meritocratic character.¹ The association also criticised the fact that the recommendations of the Venice Commission on the Justice Laws, in its last Urgent Opinion, issued at the end of 2022, were not introduced in the legislation. This was to extend the terms of office of senior prosecutors from the current three

1 Judges' Forum Association (2024) "The lack of structural reforms requested by relevant European and international bodies, as well as by Romanian magistrates, threatens Romania's accession to the Organization for Economic Cooperation and Development" press-release, 29 April 2024, available in Romanian at <https://www.forumuljudecatorilor.ro/index.php/archives/6803>.

years, eliminate the possibility of renewing the terms of office, and strengthen the guarantees in case the Prosecutor General of the High Court of Cassation and Justice overturns, with reasons, all measures and solutions adopted by other prosecutors except for the National Anticorruption Directorate (DNA) and the Directorate for Investigating Organised Crime and Terrorism (DIICOT). Other proposed changes include a competitive selection process for vice-presidents of courts and deputy chief prosecutors of prosecutor's offices, clarification that judicial police officers seconded to prosecutor's offices are not accountable to the Ministry of Interior. Other issues raised concern the fact that the legislator has not re-established DNA's powers to investigate and prosecute crimes committed by judges and prosecutors. In addition, they raised the need to amend the legislation on the functioning of the Judicial Inspection in light of the binding judgment of the Court of Justice of the European Union of 11 May 2023 (Case C-817/21, Judicial Inspection).²

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges

In February 2024 the European Court of Human Rights (ECtHR) issued its decision

in *Danilet v. Romania* (ECtHR, Judgment of 20 February 2024, *Danilet v. Romania*, No. 16915/21 (2024)), which concerned disciplinary sanction imposed by High Council of the Judiciary on a judge for posting two messages on his Facebook page. In January 2019 he posted two messages on his publicly accessible Facebook account, for which in May of that same year he received a disciplinary sanction from the disciplinary board of the National Judicial and Legal Service Commission (Consiliul Superior al Magistraturii). The board found that, by posting the first message, the applicant had cast doubt on the credibility of public institutions, insinuating that they were controlled by the political class and proposing the army intervention as a solution to ensure constitutional democracy. Concerning the second message, which contained a hyperlink to an interview with a prosecutor and a comment by the applicant, the board found that the language used by the applicant had overstepped the limits of decency and had been unworthy of a judge. The High Court upheld those findings following an appeal by the applicant. The ECtHR found that there had been a violation of Article 10 of the Convention because the domestic courts had not provided relevant and sufficient reasons to justify the alleged interference with the applicant's right to freedom of expression.³ The case was referred to the Grand Chamber.

2 Judges' Forum Association (2024) "The lack of structural reforms requested by relevant European and international bodies, as well as by Romanian magistrates, threatens Romania's accession to the Organization for Economic Cooperation and Development" press-release, 29 April 2024, available in Romanian at <https://www.forumuljudecatorilor.ro/index.php/archives/6803>.

3 ECtHR, Judgment of 20 February 2024, *Danilet v. Romania*, no. 16915/21 (2024).

In 2024, the Judicial Inspectorate applied disciplinary sanctions against nine judges and one prosecutor.⁴ Most of the sanctions were applied because the magistrates did not fulfil their duties, acted improperly in court or with their colleagues, were absent from work, or did not motivate their decisions in a timely fashion, or, as is the case for the prosecutor, did not finalise the criminal investigation before the statute of limitation for the respective crime was reached.

Independence of the Bar (chamber/association of lawyers) and of lawyers

The National Union of Romanian Bar Associations (UNBR) criticised a law proposal initiated by the National Office for Preventing and Combating Money Laundering which would provide that the Office would not be bound by the principle of professional secrecy enshrined for lawyers.⁵ The UNBR argued that these modifications would seriously prejudice the

professional secrecy of lawyers, which is a fundamental principle of the profession. They also argued that the law was contrary to paragraph 9 of Directive (EU) 2015/849 of the European Parliament, according to which members of the independent professions should be exempt from any obligation to report information obtained either before, during or after judicial proceedings or in the course of ascertaining the legal position of a client.⁶

In 2024 legal aid fees were increased by 5.9% as an adjustment according to the inflation rate.⁷

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

There were several instances in which the Superior Council of Magistrates criticised public pressure towards judges, particularly in instances of high-profile politicians criticising

4 A list of disciplinary actions carried out by the Judicial Inspection per year is available on the Judicial Inspection website available at <https://www.inspectiajudiciara.ro/page/Actiuni-disciplinare/Actiuni-disciplinare-2024> consulted on 17 December 2024.

5 The proposed law was published on 13 June 2024 on the website of the National Office for Preventing and Combating Money Laundering, <https://www.onpcsb.ro/en/a/104/proiecte-acte-normative-aflata-in-dezbatere-publica>.

6 National Union of Romanian Bar Associations (2024) “UNBR opposes the proposals on professional secrecy in the draft amendment and supplement to Law 129/2019”, press-release, 20 June 2024, available in Romanian at: <https://www.unbr.ro/unbr-se-opune-propunerilor-care-vizeaza-secretul-profesional-din-proiectul-de-modificare-si-completare-a-legii-129-2019/>.

7 National Union of Romanian Bar Associations (2024) “As from June 1, 2024, as a result of the indexation to the inflation rate (total consumer price index (CPI) minus 100) communicated by the National Institute of Statistics for the period April 2023 - April 2024, the fees provided for in the Tripartite Protocol shall be increased by 5.9%”, press-release, 31 May 2024, available in Romanian at: <https://www.unbr.ro/incepand-cu-data-de-1-iunie-2024-ca-urmare-a-indexarii-cu-rata-inflatiei-indicele-preturilor-de-consum-total-ipc-minus-100-comunicata-de-institutul-national-de-statistica-pentru-perioada-aprilie/>.

magistrates in the public domain. One such case related to insulting and misleading statements made about the Prosecutor General by a leader of a political party.⁸ Another instance involved a well-known businessman and politician who was unhappy with a judicial decision and publicly criticised the judge by referring to her ethnicity, looks and other unsubstantiated claims.⁹

Quality of justice

The Romanian Superior Council of Magistracy (Consiliul Superior al Magistraturii) publishes a yearly report on the state of the

justice system.¹⁰ At the time of writing, the 2024 report is not public; the most recent one available is for 2023, published on 19 June 2024.¹¹ The report shows that the total case-load at the national level in 2023 was 3,214,079 cases, (2,972,754 cases in 2022), which corresponds to an increase of 8.12%. Of these cases, 2,288,157 were new cases, showing an increase of 7.43%, and reaching the highest figure in recent years. Of these, 2,077,809 cases were resolved in 2023.¹² This led to a high average number of cases allocated per judge, at all levels of jurisdiction; a court of appeal (*curte de apel*) judge had an average of 651 cases in 2023, a tribunal (*tribunal*) judge 951 cases and

8 Superior Council of Magistracy (2024) "Press Release concerning the admission of the request for defense of professional reputation made by the Prosecutor General of the High Court of Cassation and Justice in relation to statements made by a public person", press-release, 3 June 2024, available in Romanian at: <https://www.csm1909.ro/PageDetails.aspx?FolderId=11304> The statements can be found in a news article in Romanian published on the 3 June 2024, <https://www.agerpres.ro/justitie/2024/06/03/csm-afirmatiile-lui-ghinea-despre-procurorul-general-formulate-in-scopul-discreditarii-onoarei-si-reputatiei-profesionale--1305635>.

9 Superior Council of Magistracy (2024) "Press Release on the position of the Section for Judges in relation to a public person's allegations against a judge", press-release, 30 May 2024, available in Romanian at: <https://www.csm1909.ro/PageDetails.aspx?FolderId=11297>; Ionela Stanila, 'Gigi Becali, in the sights of the Supreme Administrative Court after the slip-up against a judge: "It was about ethnicity, not that I denigrate ethnicity, but I want to say that she gave a decision..." Citește întreaga știre: Gigi Becali, în vizorul CSM după derapajul la adresa unei judecătore: „Era de etnie, nu că denigrez etnia, dar vreau să zic că a dat o hotărâre..."', Libertatea, 31 May 2024, <https://www.libertatea.ro/stiri/gigi-becali-in-vizorul-csm-dupa-derapajul-la-adresa-unei-judecatoare-era-de-etnie-nu-ca-denigrez-etnia-dar-vreau-sa-zic-ca-a-dat-o-hotarare-4906178>.

10 Romanian Superior Council of Magistracy, Reports on the activity of the Superior Council of Magistracy, <https://www.csm1909.ro/PageDetails.aspx?PageId=267&&FolderId=3571&&FolderTitle=Rapoarte-privind-activitatea-Consiliului-Superior-al-Magistraturii>.

11 Romanian Superior Council of Magistracy (*Consiliul Superior al Magistraturii*) Report on the justice system for 2023 (*Raport privind starea justiției pentru anul 2023*), 19 June 2024, available in Romanian at: <https://www.csm1909.ro/ViewFile.ashx?guid=ab8ae9f9-cb62-4a9c-8b56-9932fa016648-InfoCSM>.

12 Romanian Superior Council of Magistracy (*Consiliul Superior al Magistraturii*) Report on the justice system for 2023 (*Raport privind starea justiției pentru anul 2023*), 19 June 2024, page 1, available in Romanian at: <https://www.csm1909.ro/ViewFile.ashx?guid=ab8ae9f9-cb62-4a9c-8b56-9932fa016648-InfoCSM>.

a district court (*judecătorie*) judge 1,455 cases.¹³ In terms of human resources, in 2023, of the total of 5,075 prescribed positions for judges 4,057 were covered and 1,018 posts were vacant; similarly, for prosecutors of the 3,051 positions, 2,210 were covered 854 were vacant.¹⁴ These figures suggest that Romanian courts are still understaffed and that they have a very high workload, which may affect the quality of the justice system.

The issue of adequate human resources for the justice system has been a recurring issue for Romania, including in the *2024 Rule of Law Report*.

In 2024 Romania announced several recruiting campaigns for magistrates:

- On 6 February 2024, it announced a recruiting campaign for 75 judges and 42 prosecutors, opened for legal professionals with at least five years of experience.¹⁵ This process is still ongoing but was marred by controversy as less than 16% of candidates passed the initial psychological test, and had to retake it with approximately 50% of them managing to pass after a second attempt. The Superior Council of Magistrates explained that these tests were developed based on standards drawn from practising magistrates.¹⁶
- On 24 July 2024, it announced a recruiting campaign for 118 judges and 28 prosecutors, opened for legal professionals with at least five years of experience.¹⁷

13 Romanian Superior Council of Magistracy (*Consiliul Superior al Magistraturii*) Report on the justice system for 2023 (*Raport privind starea justiției pentru anul 2023*), 19 June 2024, pages 137 - 142 available in Romanian at: <https://www.csm1909.ro/ViewFile.ashx?guid=ab8ae9f9-cb62-4a9c-8b56-9932fa016648-InfoCSM>.

14 Romanian Superior Council of Magistracy (*Consiliul Superior al Magistraturii*) Report on the justice system for 2023 (*Raport privind starea justiției pentru anul 2023*), 19 June 2024, pages 69, 80, available in Romanian at: <https://www.csm1909.ro/ViewFile.ashx?guid=ab8ae9f9-cb62-4a9c-8b56-9932fa016648-InfoCSM>.

15 The recruiting process can be followed on the National Institute for Magistrates (*Institutul National al Magistraturii*) website at <https://inm-lex.ro/concurs-de-admitere-in-magistratura-organizat-in-perioada-9-februarie-9-iulie-2024-data-publicarii-09-02-2024/>.

16 Superior Council of Magistracy (2024) "Press Release on the results of the psychological test in the February-July 2024 session of the competition for admission to the judiciary", press-release, 28 May 2024, available in Romanian at: <https://www.csm1909.ro/PageDetails.aspx?FolderId=11291>.

17 The recruiting process can be followed on the National Institute for Magistrates (*Institutul National al Magistraturii*) website at <https://inm-lex.ro/concurs-de-admitere-in-magistratura-organizat-in-perioada-25-iulie-2024-27-martie-2025-data-publicarii-25-07-2024/>.

- On 24 July 2024, it announced a recruiting campaign for 250 trainee magistrates to be admitted to the National Institute for Magistrates.¹⁸

Several candidates who participated in the recruiting process for trainee magistrates criticised the psychological test, claiming it was superficial, subjective and unprofessional, some claiming they were asked questions about their sexual life and other questions which seemingly do not have anything to do with the judicial profession.¹⁹ This prompted professional associations of magistrates to ask the SCM to intervene and respond to these allegations and stress that the recruiting process should follow a predictable procedure, the assessment must be qualitative and focus on the professional,

personal and social skills of the future magistrate.²⁰ The SCM rejected these claims and said that there is a negative media campaign against these tests, arguing that the psychological tests were done by specialised psychologists through a uniform procedure approved by the Romanian College of Psychologists.²¹

In 2024 a new law was adopted reshaping the role of legal clerks and other specialised legal support staff, which brings changes to the way clerks are selected and trained, compensated, and it establishes four categories of clerks: court clerks, hearing clerks, court registrars and IT specialists.²² Heads of Romanian courts issued joint statements in which they criticised this law, asking for it to be amended and its entry into force postponed because they argue the

18 National Institute for Magistrates, Magistracy admission competition, organized between July 25, 2024-March 27, 2025, <https://inm-lex.ro/concurs-de-admitere-in-magistratura-organizat-in-perioada-25-iulie-2024-27-martie-2025-data-publicarii-25-07-2024/>.

19 Alexandra Coșlea, “I like unusual sexual practices”. *Future magistrates accuse abusive behavior in admission to INM / CSM: Negative media campaign*, HotNews.ro, 22 February 2024, available in Romanian at: <https://hotnews.ro/mi-plac-practicile-sexuale-neobisnuite-viitori-magistrati-acuza-comportament-abuziv-la-admiterea-la-inm-csm-campanie-mediatica-negativa-15745>.

20 Romanian Judge’s Forum association (2024) “The lack of transparency regarding the way the entrance exam to the National Institute of Magistracy is conducted may irreparably damage the image of justice”, press-release, 20 February 2024, available at <https://www.forumuljudecatorilor.ro/index.php/archives/6787>.

21 Superior Council of Magistracy (2024) “Press Release on the position of the Superior Council of Magistracy in relation to the negative media campaign regarding the psychological testing in the admission competitions to the INM and to the judiciary”, press-release, 22 February 2024, available in Romanian at: <https://www.csm1909.ro/PageDetails.aspx?FolderId=11076>.

22 Romania, Law No. 11 of 8 January 2024 on the status of court clerks and other categories of staff holding specialized positions within the courts of justice, prosecutor’s offices and the National Institute of Forensic Expertise (*Lege nr. 11 din 8 ianuarie 2024 privind statutul grefierilor și al altor categorii de personal care ocupă funcții de specialitate în cadrul instanțelor judecătorești, al parchetelor de pe lângă acestea și al Institutului Național de Expertize Criminalistice*).

law is imprecise, vague, not correlated with other laws, and several provisions cannot be practically applied.²³

As a result of these recruiting processes in 2024, there have been improvements in ensuring human resources in the judicial system, at the beginning of 2025, the occupancy rate of judges' posts at the national level is 83%, 5% more than the previous year and the occupancy rate of judges and prosecutors' posts as of January 2025 is:

- out of 5,071 posts of judges, 4,251 posts are occupied, representing 83.82%;
- out of 3,071 prosecutor posts, 2,266 posts are filled, representing 73.79%.²⁴

Accessibility of courts (e.g. court fees, legal aid, language)

A legislative amendment from November 2024 allows courts to grant legal aid to non-profit legal persons established in Romania, only when they act in defence of the legitimate rights or interests of persons in special situations or when they to protect a group or general interest.²⁵ These new amendments also reduce court fees for some cases and provide that courts should inform applicants at the first hearing on the possibility of seeking legal aid and how to apply for it.

Parliament approved a draft law which would modify existing legislation that allows judges to reduce the lawyer's fees of their motion, the proposed modification would only allow courts to reduce fees if a party specifically asks for this.²⁶ The High Court of Cassation and Justice contested the constitutionality of these provisions before the Constitutional

23 Superior Council of Magistracy (2024) "Press Release on the open letters adopted by the presidents of the courts, tribunals and courts of appeal to postpone the entry into force of Law 11/2024", press-release, 31 May 2024, available in Romanian at: <https://www.csm1909.ro/PageDetails.aspx?FolderId=11298>.

24 Superior Council of Magistracy (2024), Facebook post, from 14 January 2025, <https://www.facebook.com/photo?fbid=1036310408537733&set=a.256994069802708>.

25 Romania, Law no. 268 of 30 October 2024 amending and supplementing Government Emergency Ordinance no. 80/2013 on judicial stamp duties and Government Emergency Ordinance no. 51/2008 on public legal aid in civil matters (*Lege nr. 268 din 30 octombrie 2024 pentru modificarea și completarea Ordonanței de urgență a Guvernului nr. 80/2013 privind taxele judiciare de timbru și a Ordonanței de urgență a Guvernului nr. 51/2008 privind ajutorul public judiciar în materie civilă*).

26 The proposed law can be followed on the website of the Chamber of Deputies: https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=21426.

Court.²⁷ The National Union of Romanian Bar Associations defendant the law and argues it is necessary as it adds clarity and affords protection for lawyers against abusive reductions of their fees.²⁸

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

The Ministry of Justice announced it is working on a new digital system, ECRIS V, that would have a centralised architecture allowing digital interaction with both the citizens and any other IT system of interest for the judicial activity.²⁹ This has been a topic of controversy and conflict between the Superior Council of Magistracy and the Ministry of Justice, particularly over who manages the IT infrastructure.

The Superior Council of Magistracy (SCM) argued that the Ministry of Justice is seeking to centralise the courts' IT infrastructure under the domain just.ro, which is managed by the Ministry of Justice and that this creates serious constitutional vulnerabilities, with the risk of affecting the independence of justice and the separation of powers in the state, under the conditions of the management of the courts' IT system by the executive power. Because of this, the SCM asked the courts to stop the transfer of data to the just.ro domain until the Ministry of Justice will transfer all of its IT attributions over the judiciary to the SCM.³⁰ The Ministry of Justice denies these claims and states that there are no concrete vulnerabilities identified and that if there were, they should be dealt with individually, arguing for how important a centralised IT system would be for the justice system and its beneficiaries.³¹ One solution proposed by the Ministry of Justice would

27 High Court of Cassation and Justice (2024) "Press release", 18 April 2024, https://www.iccj.ro/media-3/comunicate-de-presa/?_page=3.

28 National Union of Romanian Bar Associations (2024) "UNBR considers that the draft law on the rearrangement of the rules on the reduction of the court fees representing lawyers' fees (PL-x no. 788/2023) is fair, necessary and appropriate to the interests of justice", press-release, 20 April 2024, available in Romanian at: <https://www.unbr.ro/comunicat-20-04-2024-unbr-considera-ca-proiectul-de-lege-referitor-la-reasezarea-regulilor-privind-reducerea-cheltuielilor-de-judecata-reprezentand-onorariile-avocailor-pl-x-nr-788-2023-este-just/>.

29 Romanian Ministry of Justice (2024) "Press release on the meeting of institutional partners involved in the digitization of the judiciary", press-release, 18 September 2024, available in Romanian at: <https://www.just.ro/comunicat-de-presa-privind-reuniunea-partenerilor-institutionali-implicati-in-procesul-de-digitalizare-a-sistemului-judiciar/>

30 Superior Council of Magistracy Judges' Section Decision no. 1519/2024 from 5 September 2024, available in Romanian at <https://tinyurl.com/hks2ja3f>

31 Romanian Ministry of Justice (2024) "Press release. In relation to the Circular of the Superior Council of Magistracy no. 2/13760/2024/28.08.2024, the Ministry of Justice makes the following technical and administrative clarifications", press-release, 30 August 2024, available in Romanian at: <https://www.just.ro/comunicat-de-presa-30082024/>

be to transfer the just.ro domain to the High Court of Cassation and Justice.³² The SCM said it would analyse this option and that it is one of several working scenarios that require a thorough technical analysis. The SCM also stressed that any reforms made should also address issues related to the National Electronic File, the proposal of enrolling computers in a network created within the Ministry of Justice, the legal situation of IT specialists in the courts, and the need to transfer IT governance to the judiciary.³³

The Ministry of Justice is also working on a centralised system for the electronic case file where parties and their legal representatives can access, in consolidated form (from a single place) all pending cases.³⁴ The platform is

called den.just.ro and it already has the majority of Romanian courts enrolled on it.

Fairness and efficiency of the justice system

According to a 2024 analysis by the World Bank, the efficiency of the Romanian justice system is affected by staffing shortages in judicial institutions, increasing workloads, growing backlogs, declining case dispositions, persistent inefficiencies in caseload distribution among judges, and limited availability of case processing data.³⁵

There has been some further progress as regards the system for investigating and prosecuting corruption offences in the judiciary. Existing legislation was modified to establish that the

32 Romanian Ministry of Justice (2024) “Press release on the meeting of institutional partners involved in the digitization of the judiciary”, press-release, 18 September 2024, available in Romanian at: <https://www.just.ro/comunicat-de-presa-privind-reuniunea-partenerilor-institutionali-implicati-in-procesul-de-digitalizare-a-sistemului-judiciar/>

33 Superior Council of Magistracy (2024) “Press Release on the position of the Section for Judges of the SCM on the solution presented publicly by the Ministry of Justice regarding the centralization of IT infrastructure”, press-release, 18 September 2024, available in Romanian at: [https://www.csm1909.ro/PageDetails.aspx?PageId=299&FolderId=11498&FolderTitle=COMUNICAT%20DE%20PRES%C4%82%20privind%20pozi%C8%9Bia%20Sec%C8%9Biei%20pentru%20judec%C4%83tori%20a%20CSM%20fa%C8%9B%C4%83%20de%20solu%C8%9Bia%20prezentat%C4%83%20public%20de%20c%C4%83tre%20Ministerul%20Justi%C8%9Biei%20cu%20privire%20la%20centralizarea%20infrastructurii%20IT-\(2024-09-18\)](https://www.csm1909.ro/PageDetails.aspx?PageId=299&FolderId=11498&FolderTitle=COMUNICAT%20DE%20PRES%C4%82%20privind%20pozi%C8%9Bia%20Sec%C8%9Biei%20pentru%20judec%C4%83tori%20a%20CSM%20fa%C8%9B%C4%83%20de%20solu%C8%9Bia%20prezentat%C4%83%20public%20de%20c%C4%83tre%20Ministerul%20Justi%C8%9Biei%20cu%20privire%20la%20centralizarea%20infrastructurii%20IT-(2024-09-18))

34 Romanian Ministry of Justice (2024) “Press release on the closure of the project “Virtualization and centralization of applications specific to the judiciary”, press-release, 29 February 2024, available in Romanian at: <https://www.just.ro/comunicat-de-presa-privind-inchiderea-proiectului-virtualizarea-si-centralizarea-aplicatiilor-specifice-sistemului-judiciar/>

35 Burduja, Emmaline Holland Gayk; Said, Agnes Cristiana; Guanlao, Luisita I. (2024) *Reflections on the Functional Review of the Romanian Justice Sector*, World Bank Group, page 14, available in English at <http://documents.worldbank.org/curated/en/099556408052437462/IDU18f75663e160eb147991b847116e0f59952eb>

section investigating magistrates would have a minimum of 14 prosecutors after the text previously provided that this section would have a maximum of 14 prosecutors.³⁶ The *2024 Rule of Law Report* shows that in February 2024, there were four prosecutors appointed out of the 14 posts available at the ‘central’ level. However, experts suggest that this modification does little to improve the situation and that when judicial corruption was investigated by the National Anticorruption Directorate there were about 10-15 cases every year of judges and prosecutors prosecuted for corruption in the judiciary. Furthermore, since the Special Section was set up and then replaced with the current system of prosecutors, there have been zero cases of judicial corruption sent to trial.³⁷

Several Romanian professional associations of magistrates (Asociația ‘Forumul Judecătorilor din România’, Asociația ‘Mișcarea pentru Apărarea Statutului Procurorilor’) criticised the fact that Romanian legislation does not allow them to contest the appointment of certain prosecutors responsible for conducting investigations concerning cases of corruption in Romania. Their complaint was analysed by the CJEU through a preliminary ruling in which it found that there is no obligation of a Member State to grant such professional association powers to act before the court to contest the appointment of prosecutors, in lack of a private interest.³⁸

The Romanian press has been very critical of what is perceived to be an inefficient justice system, pointing to several high-profile cases which were mismanaged by prosecutors, leading to acquittals of delayed trials, as well as a lack of tangible results in prosecuting and convicting high-profile corruption cases or organised crime cases.³⁹ Another issue the press has

36 Romania, Law no. 213 of July 5, 2024 amending Law no. 49/2022 on the abolition of the Section for the Investigation of Crimes in the Justice System, as well as amending Law no. 135/2010 on the Code of Criminal Procedure (*Lege nr. 213 din 5 iulie 2024 pentru modificarea Legii nr. 49/2022 privind desființarea Secției pentru investigarea infracțiunilor din justiție, precum și pentru modificarea Legii nr. 135/2010 privind Codul de procedură penală*)

37 Liliana Nicolae, Laura Ștefan, *anti-corruption expert: Cases in which magistrates are investigated for corruption should return to DNA and DIICOT. The current system has sent zero cases to court*, Europafm, 16 May 2024, available in Romanian at <https://www.europafm.ro/laura-stefan-expert-anticuoptie-dosare-magistrati-cercetati-coruptie-sa-vina-dna-diicot-sistem-actual-zero-dosare/>

38 CJEU, Judgment of 8 May 2024, Request for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Pitești (Court of Appeal, Pitești, Romania) (Case C-53/23)

39 Dan Tapalaga, ‘Big problems in Justice. The situation has worsened. An essential topic for Romanian society that no one discusses anymore’, G4media, 13 September 2024, <https://www.g4media.ro/mari-probleme-in-justitie-situatia-s-a-agravat-o-tema-esentiala-pentru-societatea-romaneasca-despre-care-nu-mai-discuta-nimeni.html>.

been very critical of is the rising financial gains in the judicial system, with several ongoing court proceedings initiated by judges through

which they seek to gain further financial benefits for judicial professionals, benefits which are seen as excessive and unjustified.⁴⁰

ANTI-CORRUPTION FRAMEWORK

Key recommendations

- *Increase transparency over campaign contributions and spending by introducing requirements to disclose the identity of donors who lend an electoral contestant for election campaigns, similar to the procedures for political party funding.*
- *Improve transparency over public expenditures by publishing all data relating to public procurement by limiting the use of direct procurement and promoting public tendering to ensure the competitiveness and transparency of public procurement.*
- *Introduce rules on lobbying for Members of Parliament.*

Levels of corruption

Investigations carried out by civil society groups show there is a lack of transparency of local authorities in managing public funds and that they rely on direct procurement to avoid public procurement procedures. Such practices can undermine citizens' trust in public administration and raise serious questions about the efficiency and fair use of public funds.⁴¹

In 2024 the National Anticorruption Agency published its report for 2023 which showed that it initiated 2,790 new cases, it had an acquittal rate of 26% of all cases and the total damages in crimes it investigates amounts to more than €18.7 million (RON 93.24 million).⁴²

According to the Special Eurobarometer No. 548 of 2024 on citizens' attitudes towards corruption in the European Union, 75% of

40 Andreea Pora, 'Magistrates, unstoppable. The list of privileges they granted themselves', Europa Libera Romania, 13 August 2024, <https://romania.europalibera.org/a/magistratii-de-neoprit-lista-privilegiilor-/33072535.html>.

41 Funky Citizens (2024), *Assessing the Transparency and Integrity of Local Public Investment*, available in Romanian at <https://funky.org/evaluarea-transparentei-si-integritatii-investitiilor-publice-locale/>

42 National Anticorruption Agency Annual report for 2023, published in February 2024, available at https://www.pna.ro/bilant_activitate.xhtml?id=58

Romanians consider corruption to be a widespread problem in the country. However, the data show that many citizens choose not to report corruption cases for various reasons, such as the difficulty of proving the facts (29%), the fear that the persons involved will not be punished (23%) or the lack of protection for whistleblowers (23%).⁴³

A criminological study conducted by the Ministry of Justice together with the General Anticorruption Directorate (DGA) indicates that moral values and education are the main factors that can prevent involvement in corruption. Almost 68% of respondents consider that education plays an essential role in discouraging these practices. DGA initiated a campaign which aims to contribute to changing public perception and reinforce the idea that honest behaviour is not only possible but necessary.⁴⁴

The 2023 Corruption Perceptions Index published by Transparency International shows that Romania has a score of 46 in 2023, with a change of 0 since the previous year, meaning it ranks 63 out of 180 countries.⁴⁵

Framework to prevent corruption

There has been no progress yet to introduce rules on lobbying for Members of Parliament.

The adoption of legislation to improve the transparency of political party financing remains pending as legislation drafted by the Permanent Electoral Authority (PEA) was approved without changes by the Senate in September 2023 and presented to the Chamber of Deputies in October 2023, without any follow-up up so far.⁴⁶

In 2024 Romania organised elections four rounds of elections: at four levels: local, parliamentary, presidential and European Parliament. As already stressed in previous reports, rules on public funding for elections tend to favour bigger parties and there is little transparency over campaign contributions and spending. Civil society has been very critical of the fact that, particularly during presidential elections, the Permanent Electoral Authority refused to publish timely data on the income and expenses of electoral candidates, although

43 Special Eurobarometer 548, Citizens' attitudes towards corruption in the EU in 2024, available at <https://europa.eu/eurobarometer/surveys/detail/3217>

44 General Anticorruption Directorate (2024), "Launch of the national corruption prevention campaign: 'TIME TO STOP GIVING SOMETHING AWAY'", press-release, 13 December 2024, available at <https://www.mai-dga.ro/arhive/64574>

45 Transparency International, 2023 Corruption Perceptions Index, available at <https://www.transparency.org/en/countries/romania>

46 Romanian Chamber of Deputies, PL-x nr. 516/2023 Draft Law on amending and supplementing Law 334/2006 on the financing of political parties and electoral campaigns (*Proiect de Lege pentru modificarea și completarea Legii nr.334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale*) Available in Romanian at https://www.cdep.ro/pls/proiecte/upl_pck.proiect?cam=2&idp=21125

it promised to do so on a weekly basis.⁴⁷ The lack of transparency over expenditures led to the situation in which the Romanian Constitutional Court annulled the first round of the presidential elections, finding that, among other issues, a candidate had violated the electoral legislation on campaign financing for the presidential elections as he reported expenditures of RON0 whilst it seems that he in fact benefitted from substantial campaign support, acting in violation of the principle of transparency and raising suspicions as to the fairness of the elections.⁴⁸

The Organisation for Economic Co-operation and Development (OECD) Working Group on Bribery published a report on Romania in which it evaluates and makes recommendations on Romania's implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the 2021 Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions.⁴⁹ The report argues that Romania should develop a strategy to ensure

that relevant government authorities can recognise potential foreign bribery cases so that they can promptly report them to law enforcement. Romania should also raise awareness within the private sector, in particular for gatekeepers such as accountants, to recognise and report foreign bribery violations. Other recommendations are to introduce deferred prosecution agreements or similar non-trial resolution mechanisms to facilitate self-reporting, to enhance protections for whistleblowers and to ensure that DNA prosecutors responsible for combatting foreign bribery have adequate resources and that sufficient safeguards are in place to further insulate DNA leadership from the risk of political pressure through future appointment and removal decisions.

Romania adopted a law implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Anti-Bribery Convention) and related instruments, which criminalises a new crime of corruption, namely the act of a person who, directly or indirectly, promises, offers or gives to a foreign public

47 Septimius Pârnu, Expert Forum, Policy brief EFOR #191 from 25 Novembre 2024 on Campaign financing for the presidential elections, available in Romanian at https://expertforum.ro/wp-content/uploads/2024/11/PB-191-campanie_prezidentiale_26nov.pdf

48 Romanian Constitutional Court Decision No. 32 of December 6, 2024 on the annulment of the electoral process regarding the election of the President of Romania in 2024 (*Hotărârea nr. 32 din 6 decembrie 2024 privind anularea procesului electoral cu privire la alegerea Președintelui României din anul 2024*), available in Romanian at <https://legislatie.just.ro/Public/DetaliiDocument/292099>

49 The Organization for Economic Co-operation and Development (2024), *Implementing the OECD Anti-Bribery Convention Phase 2 Report: Romania, Implementing the OECD Anti-Bribery Convention*, OECD Publishing, Paris, 24 October 2024, https://www.oecd.org/en/publications/implementing-the-oecd-anti-bribery-convention-phase-2-report-romania_37adcf9a-en.html

official, for him or another person, money or other benefits not due to him, in connection with the performance, non-performance, expediting or delaying the performance of an act falling within the foreign public official's official duties or in connection with the performance of an act contrary to those duties, if the act is such as to procure for him or any other person money or other benefits or to maintain such benefits in connection with the conduct of international business transactions.⁵⁰

Civil society organisations have criticised the fact that the Romanian police do not have clear internal procedures to handle possible whistleblowing, even though existing legislation makes it mandatory for them to have such clear procedures, brought to the attention of employees and posted on their websites. Every employee should know, in the workplace, how to report internally possible violations of the law, even by colleagues or bosses, and must have a secure reporting channel, or several (phone, email, chat, etc.) that can be used anonymously. Romanian police did not provide information

on any such procedures despite several requests from civil society.⁵¹

Investigation and prosecution of corruption

The delayed legislative response to the statute of limitations continues to result in the closing of many corruption cases and the annulment of convictions. This is an ongoing problem and the main development in this is that the High Court of Cassation and Justice was asked to clarify how national courts are to apply legislation in this field, if they are to follow a previously rendered decision by the High Court of Cassation and Justice⁵² or the one of the Court of Justice of the European Union, which established that the courts of a Member State of the Union “are required to disapply a national standard of protection relating to the principle of the retroactive application of the more lenient criminal law (*lex mitior*) which makes it possible, including in the context of appeals brought against final judgments, to call into question the interruption of the limitation period for criminal liability in such cases by

50 Draft law no. 501/2024 laying down measures for the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Economic Transactions, adopted by the Parliament on 11 December 2024, awaiting to be signed into law by the president, available at: https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=21967

51 APADOR-CH (2024) “The principle of vertical projection of contempt for law and public in the Romanian Police” report, 10 June 2024, available in Romanian at <https://apador.org/principiul-proiectiei-pe-verticala-a-dispretului-fata-de-lege-si-public-in-politia-romana/>

52 Romania, Decision no. 67/2022 of the High Court of Cassation and Justice, Panel on points of law in criminal matters, published in the Official Gazette of Romania, Part I, no. 1141 of 28 November 2022 (*Decizia nr. 67/2022 a Înaltei Curți de Casație și Justiție Completul pentru dezlegarea unor chestiuni de drept în materie penală publicată în Monitorul Oficial al României, Partea I, nr. 1141 din 28 noiembrie 2022*)

procedural acts which took place before the finding of invalidity”.⁵³

The High Court of Cassation and Justice found that Romanian legislation offers a higher level of protection than the one offered by the Court of Justice of the European Union in Case C-107/23, and therefore national courts should apply Decision No. 67/2022⁵⁴ of the

High Court of Cassation and Justice, giving effect to the principle of *lex mitior*, even when the financial interests of the European Union might be affected.⁵⁵ An association of judges criticised this decision and what they call the lack of reactions from the European Commission on this decision and other offers from national judges to ensure the application of EU legislation.⁵⁶

53 CJEU (GC), Judgement of 24 July 2023, Case C-107/23 PPU, Court of Justice of the European Union, Judgment of the Court (Grand Chamber) of 24 July 2023. Case C-107/23 PPU.

54 Romania, Decision no. 67/2022 of the High Court of Cassation and Justice, Panel on points of law in criminal matters, published in the Official Gazette of Romania, Part I, no. 1141 of 28 November 2022 (*Decizia nr. 67/2022 a Înaltei Curți de Casație și Justiție Completul pentru dezlegarea unor chestiuni de drept în materie penală publicată în Monitorul Oficial al României, Partea I, nr. 1141 din 28 noiembrie 2022*)

55 Romania, High Court of Cassation and Justice, Decision no. 37/2024 from 17 June 2024, available in Romanian at <http://www.scj.ro/1093/Detalii-jurisprudenta?customQuery%5B0%5D.Key=id&customQuery%5B0%5D.Value=214649#highlight=##>

56 Romanian Judge’s Forum association (2024) “The Rule of Law Report 2024 does not objectively reflect the situation of judiciary in Romania”, press-release, 24 July 2024, available in English at <https://www.forumuljudecatorilor.ro/index.php/archives/6829>

MEDIA ENVIRONMENT AND MEDIA FREEDOM

Key recommendations

- *Protect journalists against threats and harassment by applying existing legislation and swiftly investigating and prosecuting any such acts whenever they occur.*
- *Increase transparency over political campaigning in the media by publishing all contracts with service providers, introducing frequent reporting and marking all promotional materials, continue parliamentary debate on the draft PL-x No. 516/2023 (blocked in the Chamber of Deputies since October 2023), which would introduce obligations for marking all political advertising materials also outside the election campaign period and would oblige parties to report regularly how this money is spent.*
- *Strengthen rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.*

Media and telecommunications authorities and bodies

There has been no progress in enhancing the independent governance and editorial independence of public service media. A bill from June 2021 to reform the law on public broadcasting and radio companies is still under discussion in Parliament and no further mechanisms to ensure the independence of public service media have been adopted.⁵⁷

The National Audiovisual Authority continued to apply sanctions to media outlets which did not comply with existing media regulations; in one such case, it applied two fines to the same TV program, totalling RON150,000 (approx. €30,000) to a TV channel and host for disinformation and making derogatory remarks.⁵⁸ These sanctions do not seem to have discouraged the person they were targeting, as the same TV host continued making similar

57 Legislative proposal to amend Law no. 41/1994 of 17 June 1994, on the organisation and functioning of the Romanian Broadcasting Company and the Romanian Television Company, PL-x. nr. 262/2021, available at https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=19380

58 G4Media, *CNA: Realitatea TV - fines of 150,000 lei. Disinformation and homophobic statements in the program 'Behind the Scenes of the Parallel State'*, 1 December 2024, available at <https://www.g4media.ro/cna-realitatea-tv-amenzi-de-150-000-de-lei-dezinformatie-si-afirmatii-homofobe-in-emisiunea-culisele-statului-paralel.html>

comments and even made threats towards those who criticised her.⁵⁹

A law proposal was submitted before the Romanian Parliament which would replace the existing Audiovisual Law.⁶⁰ Civil society organisations requested that the draft law remove ordinary users (such as individuals or legal persons, without editorial responsibility) of video-sharing platforms from the list of subjects of the Audiovisual Law, because they are not audiovisual media service providers.⁶¹ They also requested the removal of the licensing obligation for audiovisual media service providers that broadcast exclusively via the Internet, arguing that concerning those that broadcast only via the Internet, this obligation is excessive.⁶²

Transparency and media ownership

An analysis of the Romanian press in the context of elections shows that the media landscape exhibits signs of fatigue, lack of financial resources independent of political or economic constraints, is affected by the blocking of information of public interest, by public money that enters the press from parties and public institutions in a non-transparent manner, the capture of the mainstream press by political or commercial forces, the dependence on social networks, harassment, lawsuits and contempt for protecting journalists. The same analysis shows that in 2023, parties spent €24.5 million of the public subsidy granted to parliamentary parties for the press and propaganda category, double the budget spent in 2021 for the same time.⁶³

The issue of politically sponsored media content has been long-standing in Romania and

59 Alexandru Mihăesc, *Anca Alexandrescu, threats live on Realitatea PLUS: I will personally deal with Iulian Fota / Those who accuse me of being a Russophile and with the legionaries, the day will come when you will be on your knees and you will ask to be on the side of the people*, G4Media, 8 December 2024, available at <https://www.g4media.ro/anca-alexandrescu-amenintari-in-direct-la-realitatea-plus-ma-voi-ocupa-personal-de-iulian-fota-cei-care-ma-acuzati-ca-sunt-rusofila-si-cu-legionarii-va-veni-ziua-cand-in-genunchi-veti-cere-sa-fit.html>

60 Pl-x nr. 3/2024 Legislative proposal on the audiovisual law, available at https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?nr=3&an=2024

61 ApTI (2024) “Proposed amendments - draft audiovisual law”, press-release, 10 June 2024, available at <https://www.apTI.ro/propuneri-amendamente-proiect-legea-audiovizualului>

62 ApTI (2024) “Proposed amendments - draft audiovisual law”, press-release, 10 June 2024, available at <https://www.apTI.ro/propuneri-amendamente-proiect-legea-audiovizualului>

63 Center for Independent Journalism, *The State of the Mass Media in Romania on the Threshold of the Super-Election Year 2024*”, Repor, 4 April 2024, available at <https://cji.ro/raport-starea-mass-media-din-romania-in-pragul-anului-super-electoral-2024/>

considerable sums of money continue to be spent by political parties on media content. Civil society organisations have argued that substantial sums of public money were infused into the accounts of some news television stations to promote candidates in the European parliamentary elections and the parties have consolidated their role as significant investors in the media market, becoming, at the same time, financiers, actors, regulators and direct beneficiaries of the media process. In the campaign for the European parliamentary elections, the main political forces in Romania (PSD-PNL Alliance, AUR Alliance and United Right Alliance) spent approximately €9 million on the production and dissemination of electoral propaganda materials on radio, television and in the written press.⁶⁴

Online media

The presidential elections exposed a significant vulnerability concerning media content posted

on social platforms, particularly on TikTok, where politicians exploited the lack of initiative on the part of the platform to impose its own standards when it comes to monitoring political content, verifying the identity of accounts and political advertisements and to stop the dissemination of information through manipulative means.⁶⁵ Civil society organisations have asked all responsible authorities to investigate any possible misuse of the platform and take actions to prevent such abuses from occurring.⁶⁶ They have also argued against blocking TikTok in Romania, as several politicians have suggested.⁶⁷ The European Commission declared it opened formal proceedings against TikTok on election risks under the Digital Services Act.⁶⁸

Romanian adopted a law implementing the EU Digital Services Act (DSA) Regulation in March 2024 and the National Authority for Communications Administration and Regulation (ANCOM) was designated as the

64 Active Watch, *Time is money. Editorial space on news channels, bought by parties in the campaign*, report, 7 October 2024, available at <https://activewatch.ro/articole/timpul-%C3%AEnseamn%C4%83-bani-spa%C8%9Biul-editorial-al-televiziunilor-de-%C8%99tiri-cump%C4%83rat-de-partide-%C3%AEn-campanie/>

65 Expert Forum, *Tik Tok in Times of crisis*, Analysis Report 1 December 2024, available at <https://expertforum.ro/tiktok-in-timp-de-criza-episodul-ii/>

66 ApTI (2024) *The TikTok network - a catalyst for extremist views and electoral malpractice. Do we have a democratic process through the DSA?*, press-release signed by 20 NGOs, 26 November 2024, available at <https://www.apti.ro/content/re%C8%9Beaua-tiktok-catalizator-al-opiniilor-extremiste-%C8%99i-al-nerespect%C4%83rii-regulilor-electorale>

67 ApTI (2024) *ANCOM does not and cannot block TikTok!*, press-release signed by 20 NGOs, 28 November 2024, available at <https://www.apti.ro/content/ancom-nu-blocheaza-si-nu-poate-bloca-tiktok>

68 European Commission, *Commission opens formal proceedings against TikTok on election risks under the Digital Services Act*, press-release, 17 December 2024, available at https://ec.europa.eu/commission/presscorner/detail/en/ip_24_6487

coordinator of digital services.⁶⁹ Civil society organisations have argued that ANCOM formulated several draft decisions, in its capacity as coordinator of digital services, which were criticised for having a very technical approach and lacking a human rights impact assessment, as well as adequate consultation of industry, civil society and national institutions for the protection of human rights, which leads to developing proposals that have every chance of limiting fundamental rights, in particular freedom of expression.⁷⁰

The Romanian Ministry of Research, Innovation and Digitalisation (MCID) issued a new order, on 16 May 2024, which provides citizens with an online form through which they can report deepfake materials to the Ministry and establishes that the Ministry, within one hour of receiving a report, would confirm that the material exists and forward a notification

to one of the five major social media platforms it targets: Facebook, Instagram, TikTok, YouTube and Google.⁷¹ Civil society organisations criticised the fact that this order was adopted without any public consultation and that this procedure does not seem like it would be efficient, that it deals with malicious deepfakes just as a disinformation problem, as a purely political and media weapon, not taking into account that 98% of deepfake material on the Internet is pornographic and targets women.⁷² The MCID reported that until November 2024 it received over 3,300 reports from Romanians, which it has forwarded both directly to the platforms and to the responsible institutions, and half of the notifications received represented inappropriate content, and of these, around 70% were deepfakes about investments or miracle drugs intended to defraud the population; also from 24 to 28 October 2024, MCID has received

69 Romania, Law No. 50 of 18 March 2024 on establishing measures for the application of Regulation (EU) 2022/2.065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Regulation), as well as amending and supplementing Law No. 365/2002 on electronic commerce (*Lege nr. 50 din 18 martie 2024 privind stabilirea unor măsuri pentru aplicarea Regulamentului (UE) 2022/2.065 al Parlamentului European și al Consiliului din 19 octombrie 2022 privind o piață unică pentru serviciile digitale și de modificare a Directivei 2000/31/CE (Regulamentul privind serviciile digitale), precum și pentru modificarea și completarea Legii nr. 365/2002 privind comerțul electronic*)

70 ApTI, *What ANCOM is doing with the DSA: Internet police or a safe and reliable online environment by respecting fundamental rights?*, press-release, 3 April 2024, available at <https://www.apti.ro/ce-face-ancomul-cu-dsaul-politia-internetului-sau-un-mediu-online-sigur-si-fiabil>

71 Romania, Order No. 20,721 of May 9, 2024 for the establishment of the single point of contact regarding the receipt of notifications regarding “deepfake” content (*Ordin nr. 20.721 din 9 mai 2024 pentru constituirea punctului unic de contact privind preluarea sesizărilor referitoare la conținutul “deepfake”*) <https://legislatie.just.ro/Public/DetaliiDocument/282985><https://legislatie.just.ro/Public/DetaliiDocument/282985>

72 ApTI, *MCID order #deepfake: Electoral dust*, press-release, 23 May 2024, available at <https://www.apti.ro/ordinul-mcid-deepfake-praf-cu-iz-electoral>

475 requests, most of which were about electoral materials.⁷³

Public trust in media

A survey from March 2024 shows that 51.6% of Romanians usually get their news from TV stations, 28.3% from social networks, 12.7% from news websites, 4.8% from radio stations and 1.3% from newspapers and magazines. On the other hand, 43% of respondents consider that the sources of information most exposed to disinformation and the propagation of fake news are social networks, 37.9% TV stations, 5.2% newspapers and magazines and 1.2% radio stations. When asked to what extent they believe they have been exposed to fake news or disinformation on various channels in recent months, 17.4% of respondents say that to a very large extent, 28.3% to a large extent, 28.6% to a small extent, and 22.7% to a very small extent/not at all. According to 45.6% of Romanians, Russia is the main source of propaganda, disinformation and fake news in Romania. Other perceived sources of propaganda were far behind: the European Union, with 13.9% (17% in January 2022), the USA, with 10.8% (4.9% in 2022), Hungary, with 5.5% (5.4% in 2022), China, with 4.2% (17.7% in January 2022, amid the impact of

the COVID 19 pandemic) and Germany, with 2.1% (3.8% in January 2022).⁷⁴

Research suggests that Romanian newsrooms face high levels of distrust and significant concerns about press freedom. The same research shows that the total advertising market has grown from €601 million in 2021 to €657 million in 2022 and €683 million in 2023. However, most of this growth has been fuelled by increased spending on digital advertising (which now accounts for 37% of the total), where it is estimated that €9 out of every €10 spent on digital advertising goes to search and social platforms. Meanwhile, traditional media's share is also declining offline: TV, for example, had 51% of total advertising spend in 2023, down from 64% in 2019.⁷⁵

73 Ministry of Research, Innovation and Digitalization, Press release, 28 November 2024, available at <https://www.mcid.gov.ro/precizari-de-pres-a-mecanismul-de-raportare-nofake-al-mcid-22330/>

74 INSCOP Research - *Opinion poll commissioned by News.ro, Part VIII: Disinformation, fake news, trust in information sources*, 18 March 2024, available in Romanian at <https://www.inscop.ro/martie-2024-sondaj-de-opinie-inscop-research-realizat-la-comanda-news-ro-partea-a-viii-a-dezinformare-stiri-false-increderea-in-surse-de-informatii/>

75 Raluca-Nicoleta Radu, *Digital News Report*, Reuters Institute for the Study of Journalism, Romania, 17 June 2024, available at <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2024/romania>

Safety and protection of journalists and other media actors

The head of the National Library was accused by a well-known Romanian journalist of publicly exposing the fact that she was in the library which he runs and accessed information on a specific public figure, exposing the content of her ongoing investigation.⁷⁶ As a result, several organisations asked for his dismissal.⁷⁷ He was charged with disclosing secret data and data which was not meant to be made public.⁷⁸

A group of organisations promoting press freedom and good governance and representative media outlets protested against the decision of the Directorate for Investigating Organised Crime and Terrorism (DIICOT) prosecutors to ask investigative journalists to reveal their sources, a request which was eventually

withdrawn by the prosecutors in what seems to be the result of public pressure.⁷⁹

Several journalists were insulted and threatened during a town hall meeting in Ploiești, in front of the then-mayor of Ploiești, who did not react or condemn the aggression carried out by an individual perceived to be close to him.⁸⁰

In a smear campaign against an investigative journalist, referred to in the 2023 and 2024 rule of law reports, the Prosecutor's Office closed two of the investigations in November 2023, and these decisions were appealed by the journalist. In 2024 the Bucharest Court of Appeal and High Court of Cassation and Justice ordered for the investigations to be continued, which was seen as a positive development by civil society organisations which, however, have asked the prosecutors to further investigate the case and finalise the investigations

76 Emilia Sercan, Facebook post made by journalist on 1 March 2024, available at <https://www.facebook.com/emilia.sercan/posts/pfbid0tLAViUjFfpTYbx5uEKbyxfg4KKeSKvdNizjNtR6rbkGn5ojifqmX2RzZa4arB5Xrl>

77 ActiveWatch, *We call for the dismissal of Adrian Cioroianu as Director of the National Library of Romania*, press-release, 1 March 2024, available at <https://activewatch.ro/articole/solicitam-demiterea-lui-adrian-cioroianu-din-functia-de-director-al-bibliotecii-nationale-a-romaniei/>

78 Alexandra Nistor, *Adrian Cioroianu, defendant in the case opened after he publicly revealed that Emilia Șercan is analyzing Mircea Geoană's doctorate*, Hotnews, 23 October 2024, available at <https://hotnews.ro/adrian-cioroianu-in-culpat-in-dosarul-deschis-dupa-ce-a-dezvaluit-public-ca-emilia-sercan-analizeaza-doctoratul-lui-mircea-geoana-1819342>

79 ActiveWatch, *DIICOT continues to harass journalists*, press-release issued by 23 organizations, 18 July 2024, available at <https://activewatch.ro/articole/diicot-continuu%C4%83-h%C4%83r%C8%9Buirea-jurnali%C8%99tilor/>

80 ActiveWatch, *Journalists cursed at and threatened at Ploiești City Hall under the eyes of Mayor Volosevici. Open letter to PSD and PNL leaders*, press-release issued by 4 organizations, 7 March 2024, available at <https://activewatch.ro/articole/jurnalisti-injurati-si-amenintati-la-primaria-ploiesti-sub-ochii-ingaduatori-ai-primarului-volosevici-scrisoare-deschisa-catre-conducerile-psd-si-pnl/>

which have been ongoing for over two years with no tangible results.⁸¹

Supporters of a presidential candidate have launched threats against investigative journalists who published an investigation about Russian influence in the Romanian elections. They claimed to have a database of journalists' personal information, that their activities are being monitored and journalists should stop "while they still have the chance".⁸² The threats are being investigated by the police.⁸³ Also, a TV host received death threats against his children⁸⁴ and an online influencer made degrading remarks towards the wife of a well-known TV host.⁸⁵

Do you consider the progress of the implementation of the Anti-SLAPP Directive in your country adequate? Have there been any positive developments you could attribute to the Anti-SLAPP Directive?

In Romania, NGOs have shown that there are three main ways in which public interest activists and journalists are intimidated: through SLAPP lawsuits, by being ordered to pay very high court costs, and by criminal proceedings. Over 90% of SLAPPs are used in national cases, not in cross-border cases. Because of this, several organisations have been asking that, when implementing the Anti-SLAPP Directive, Romania extend the guarantees of the directive to also cover these cases, including national cases and criminal proceedings.⁸⁶ Following this petition, the representatives of NGOs were invited for discussions at the Ministry of Justice, which expressed doubt on whether it is possible to extend the guarantees

81 ActiveWatch, *We call for an independent inquiry into the Emilia Șercan case*, press-release issued by 41 organizations, 16 September 2024, available at <https://activewatch.ro/articole/solicita%C4%83m-anchet%C4%83-independenta%C4%83-%C3%AEn-cazul-emilia-%C8%99ercan/>

82 ActiveWatch, *Supporters of candidate Călin Georgescu, mafia threats against SNOOP journalists*, press-release, 4 December 2024 available at <https://activewatch.ro/articole/sus%C8%9Bin%C4%83tori-ai-candidatului-c%C4%83lin-georgescu-amenin%C8%9B%C4%83ri-mafiotela-adresa-jurnali%C8%99tilor-snoop/>

83 Ibid.

84 Dragoș Patraru, *Dragoș Pătraru threatened with death*, Starea Natiei YouTube channel, 3 December 2024, available at https://www.youtube.com/watch?v=0ojvauds3TQ&ab_channel=StareaNatieiOfficial

85 Otilia Cristea, *Attacks on journalists are on the rise. Makaveli, the influencer who supported Georgescu, suburban language against Mihai Gâdea's wife*, Hotnews, 16 December 2024, available in at <https://hotnews.ro/se-inmultesc-atacurile-la-adresa-jurnalistilor-makaveli-influencerul-care-l-a-sustinut-pe-georgescu-limbaj-suburban-la-adresa-sotiei-lui-mihai-gadea-1862529>

86 APADORCH, *Open letter against intimidation tactics used against free speech*, press-release signed by 30 NGOs, 5 November 2024 available in Romanian at <https://apador.org/scrisoare-deschisa-impotriva-actiunilor-de-intimidare-privind-libertatea-de-exprimare/>

provided for in the directive and stated they will analyse these demands.⁸⁷

Civil society has also asked for existing legislation to be changed so that, in cases concerning the environment, town planning or free access to information of public interest, each party shall bear its own legal expenses, so that a party cannot be obliged to cover high legal costs if it loses the case. The Ministry of Justice stated that although the issue is indeed valid, there is no need for such a modification.⁸⁸ However, a similar proposal was submitted before Parliament by several Members of Parliament. The proposed legal amendment,

which was rejected by the Senate and is currently before the Chamber of Deputies, would establish that in proceedings in which non-governmental organisations or natural persons have legal standing, the judge shall determine whether the action is brought to promote causes of public interest, in which case the parties shall bear their own costs. In all cases, the courts shall ensure that non-governmental organisations or individuals do not bear disproportionate costs likely to affect their activities.⁸⁹ This proposal was praised by civil society which also asked for it to include provisions for individuals who initiate legal action for the public interest.⁹⁰

CHECKS AND BALANCES



Key recommendations

- *Adopt an electoral code, uniformise electoral legislation, increase transparency over financing of political campaigns, make Central Electoral Bureau meetings public and publish the minutes and these meetings.*
- *Ensure a transparent and effective mechanism for appointing a new Ombudsperson.*

87 APADOR-CH, Facebook post, 16 December 2024, <https://www.facebook.com/APADOR.CH/posts/pfbid02NTvmLXTU9WwiiQtq2oyqe6XUzM9g59YRaocKNdMx3NrVh8riGeKBVzRqmd7jYPGNI>

88 APADOR-CH, *Justice Ministry refuses to save NGOs from death*, press release, 7 February 2024, available in Romanian at <https://apador.org/ministerul-justitiei-refuza-sa-salveze-ong-urile-de-la-moarte/>

89 Pl-x nr. 528/2024 Legislative proposal for the completion of Article 453 of Law no.134/2010 on the Code of Civil Procedure (Propunere legislativă pentru completarea articolului 453 din Legea nr.134/2010 privind Codul de procedură civilă), available at https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?nr=528&can=2024

90 APADOR-CH, *A solution to protect citizens who sue the state*, press-release, 16 May 2024, available in Romanian at <https://apador.org/o-solutie-pentru-protejarea-cetatenilor-care-dau-statul-in-judecata/>

Process for preparing and enacting laws

In Romania, by law, it is mandatory to have a preliminary impact assessment of draft laws, legislative proposals and other draft legislation, before the legislation is adopted. The assessment involves identifying and analysing the economic, social, environmental, legislative and budgetary effects of proposed regulations as well the impact of the new regulations on fundamental human rights and freedoms.⁹¹

In March 2024 the Romanian government published the ‘Guide on the Assessment of the Impact of Regulations on Human Rights’ drafted by members of the Technical Secretariat of the Advisory Council for the Assessment of the Impact of Regulatory Acts (Secretariatului tehnic al Consiliului Consultativ pentru Evaluarea Impactului Actelor Normative), representatives of the NGOs and experts from the Romanian Institute for Human Rights (IRDO).⁹² The guide presents types of human rights impact assessments, the main

legal instruments for conducting human rights impact assessments, human rights indicators and proposes a questionnaire to determine the impact on fundamental rights. While drafting the guide, the experts involved also found that although it is mandatory to have an impact assessment for human rights, in some cases, this section was not filled in or the initiator considered that “the normative act does not refer to this subject”, although some of the normative acts in question had a clear component relating to fundamental rights and freedoms.⁹³

Independent authorities

The mandate of the Ombudsperson expired on 26 June 2024, but the parliament failed to appoint a new one. Civil society representatives have asked the parliament to carry out a transparent appointment procedure to identify a new ombudsperson who is not a member of any political party and is independent, qualified and has high moral and professional standing.⁹⁴ A media investigation into the functioning of the National Institute for Human Rights (IRDO)

91 Romania, Law no. 24 of 27 March 2000 on the rules of legislative technique for the drafting of normative acts (*Lege nr. 24 din 27 martie 2000 privind normele de tehnică legislativă pentru elaborarea actelor normative*), available at <https://legislatie.just.ro/Public/DetaliiDocument/21698>.

92 Romanian government, *Human rights impact assessment (Evaluarea impactului asupra drepturilor omului)*, 2024, p. 4, <https://sgg.gov.ro/1/wp-content/uploads/2024/03/Ghid-privind-evaluarea-impactului-reglementarilor-asupra-drepturilor-omului-8.pdf>.

93 Romanian government, *Human rights impact assessment (Evaluarea impactului asupra drepturilor omului)*, 2024, p. 4, <https://sgg.gov.ro/1/wp-content/uploads/2024/03/Ghid-privind-evaluarea-impactului-reglementarilor-asupra-drepturilor-omului-8.pdf>.

94 NGOs for citizens coalition, *Future Ombudsman must be a real guarantor of fundamental rights*, press-release, 11 December 2024, available in Romanian at <https://www.stareademocratiei.ro/2024/12/11/viitorul-avocat-al-poporului-trebuie-sa-fie-un-garant-real-al-protejarii-drepturilor-fundamentale/>

argues that the institution is led by politicians and without the necessary credentials and qualifications, and it criticised the fact that it has been designated as a SLAPP contact point but did not do anything in this capacity to assist journalists or other victims of SLAPPs.⁹⁵

In 2024 an OECD expert published an evaluation report of the Romanian National Contact Point for Responsible Business Conduct. The report shows that the structure of this institution is based on a government decision from 2005 which no longer reflects the current composition of the national contact point, being composed of 14 members, of which 11 are state institutions, and two representatives of the business environment and the Romanian Academy, without any representative of civil

society, and that the national contact point is not fully functional and does not have sufficient employees. From 2005 to 2024 it did not analyse any concrete complaint and does not have a clear procedure through which it can analyse and resolve received complaints.⁹⁶ After the publication of this report, in November 2024, the government updated the national legislation on the National contact point in an effort to respect the OECD recommendations.⁹⁷

Electoral framework

Several organisations asked the Central Electoral Bureau to make its meetings public and publish the minutes of these meetings, as recommended by OSCE guidelines, but the bureau refused to do so.⁹⁸

95 Marionela Toma *Wolves guarding the sheep. Who are the ones who must defend journalists from abusive trials: Friends of Barons Băluță and Bădălău and a deputy who staged his own kidnapping*, Context.ro, 9 October 2024, available at <https://context.ro/lupii-paznici-la-oi-cine-sunt-cei-care-trebuie-sa-apere-jurnalistii-de-procese-abuzive-prietenii-baronilor-baluta-si-badalau-si-un-deputat-care-si-a-inscenat-rapea/>

96 OECD (2024), National Contact Point for Responsible Business Conduct Peer Reviews: Romania 2024, OECD Publishing, Paris, <https://doi.org/10.1787/74594718-en>.

97 Romanian Government Decision No. 1,430 of 14 November 2024 to amend and supplement Government Decision No. 420/2005 on the establishment and operation of the National Contact Point for the application of the recommendations proposed by the Organization for Economic Cooperation and Development (OECD) in the Guidelines for Multinational Enterprises (*Hotărâre nr. 1.430 din 14 noiembrie 2024 pentru modificarea și completarea Hotărârii Guvernului nr. 420/2005 privind înființarea și funcționarea Punctului Național de Contact pentru aplicarea recomandărilor propuse de Organizația pentru Cooperare și Dezvoltare Economică (OCDE) în Ghidul pentru Întreprinderi Multinaționale*) available at *Hotărâre nr. 1.430 din 14 noiembrie 2024 pentru modificarea și completarea Hotărârii Guvernului nr. 420/2005 privind înființarea și funcționarea Punctului Național de Contact pentru aplicarea recomandărilor propuse de Organizația pentru Cooperare și Dezvoltare Economică (OCDE) în Ghidul pentru Întreprinderi Multinaționale*

98 ExpertForum, *We asked the Central Electoral Bureau to make the meetings of the institution public and to publish the minutes*, press-release, 17 March 2024, available in Romanian at <https://expertforum.ro/solicitare-privind-transparenta-sedintelor-biroului-electoral-central/>

On 9 June 2024, Romania organised local elections and elections for the EU Parliament. Reports argue that changes in electoral legislation, such as the manner in which electoral collages are made and who appoints representatives, made very shortly before the elections should be avoided as they tend to disadvantage some of the contestants and reduce the transparency of the process. The authorities organised the process largely efficiently, but the complex and contested procedures related to vote counting and the centralisation of results undermined public confidence in the process. A non-uniform legislative framework has created confusion among both voters and those involved in organising the elections, showcasing the need for an electoral code.⁹⁹

On 1 December 2024, Romania held parliamentary elections, and they were perceived as efficiently organised and voters' fundamental rights were generally respected. However, the electoral contest was fundamentally affected by the results of the first round of the presidential elections. The process took place in the context of numerous disinformation and negative campaigns, which hurt the outcome of the parliamentary elections. The transparency of the electoral process was reduced by the fact that the meetings of the Central Electoral Bureau were not public. More than 50 lists

were rejected by different constituency offices because candidates did not follow administrative procedures or did not ensure a fair presence of both genders on the candidate lists.¹⁰⁰

An analysis of expenditures made by candidates for the 2024 parliamentary elections shows several irregularities, including multiple candidates who declared expenditures that exceed their income or constitute approximately all of their declared income, raising questions in relation to the sources of the funds. There were also several candidates who declared no expenditures and some who declared no sources of income. Experts argue that there is no effective mechanism for systematic verification of the source of funds.¹⁰¹

On 27 November 2027, Romania held the first round of presidential elections. This election was however subject to numerous criticism and controversy. One of the controversies relates to the fact that the Constitutional Court of Romania decided to invalidate the presidential candidacy of one candidate through a decision taken by a narrow 5-4 majority. The court analysed the candidate's "public statements, positions or participation in certain events" and considered that they represent "sufficient grounds to indicate that Mrs. Diana Iovanovici-Șoșoacă, as a candidate for the

99 Votcorect, *Final observation report on the June 9, 2024 elections*, 17 July 2024, available at <https://votcorect.ro/euro-locale-2024/2024/07/15/votcorect-raportul-final-de-observare-a-alegerilor-din-9-iunie-2024/>

100 Expert Forum, *Preliminary observation report on the December 1, 2024 parliamentary elections*, 4 December 2024, available in Romanian at <https://expertforum.ro/raport-preliminar-parlamentare-2024/>

101 ExpertForum, *Analysis Report on Electoral campaign financing for parliamentary elections: source of revenues*, 16 December 2024, available in Romanian at <https://expertforum.ro/sursa-veniturilor-parlamentare/>

office of President of Romania, questions and disregards the obligation to respect the Constitution through her public speech regarding the removal of essential guarantees of the fundamental values and fundamental options of the state, namely the membership of the EU and NATO”.¹⁰² This decision was criticised by several NGOs, which call it arbitrary and condemn the fact that a candidate was barred from running for elections.¹⁰³

The first round of presidential elections was held, with the two candidates who had the most votes qualifying for a second round of elections. However, this first round of the election had a series of irregularities and unprecedented events that unfolded:

- 26 November 2024 - The results of the first round of the presidential elections were contested before the Constitutional Court, which on 28 November 2024 asked for a recounting of the votes.¹⁰⁴
- 28 November 2024 - There was a meeting of the Supreme Council for National Defence, which stated that it has reports that show that one candidate, by violating electoral law, benefitted from massive exposure due to the preferential treatment that the TikTok platform granted to him, whilst exponentially decreasing the visibility of other candidates.¹⁰⁵
- 2 December 2024 - The Constitutional Court decided on 2 December 2024 to reject the request made on 26 November to annul this round of elections.¹⁰⁶

102 Romanian Constitutional Court, Decision No 2 of October 5, 2024 on contesting the registration of Diana Iovanovici-Șoșoacă as a candidate in the 2024 elections for President of Romania (*Hotărârea nr. 2 din 5 octombrie 2024 privind contestarea înregistrării candidaturii doamnei Diana Iovanovici-Șoșoacă la alegerile pentru Președintele României din anul 2024*) available at <https://legislatie.just.ro/Public/DetaliiDocument/289202>

103 ActiveWatch, *The arbitrary elimination of an opposition candidate from the electoral competition is unacceptable in a democracy*, press-release issued by 21 NGOs, 8 October 2024, available in Romanian at <https://activewatch.ro/articole/eliminarea-arbitrar%C4%83-din-competi%C8%9Bia-electoral%C4%83-a-unui-candidat-al-opozi%C8%9Biei-este-inacceptabil%C4%83-%C3%AEntr-o-democra%C8%9Bie/>

104 Romanian Constitutional Court, press-release from 28 November 2024, available at <https://www.ccr.ro/comunicat-de-presa-28-noiembrie-2024/>

105 Supreme Council for National Defense, Press-release from 28 November 2024, available at <https://csat.presidency.ro/ro/comuni/sedinta-consiliului-suprem-de-aparare-a-tarii1732806302>

106 Romanian Constitutional Court Decision No 30 of December 2, 2024 on the request for annulment of the elections for the office of President of Romania of November 24, 2024, submitted by Mr. Cristian-Vasile Terheș (*Hotărârea nr. 30 din 2 decembrie 2024 privind cererea de anulare a alegerilor pentru funcția de Președinte al României din data de 24 noiembrie 2024, formulată de domnul Cristian-Vasile Terheș*) available at <https://legislatie.just.ro/public/DetaliiDocument/292331>

- 4 December 2024 – Several civil society organisations ask the President to declassify and publish the reports on the presidential elections, which were discussed in the Supreme Council for National Defense.¹⁰⁷
- 4 December 2024 – the President publishes the reports made by the Supreme Council for National Défense (CSAT), which suggest that one of the candidates benefited from substantial support, through a coordinated and complex communication campaign carried out mainly online in an untransparent manner.¹⁰⁸
- 5 December 2024 - There are several requests made to annul the first round of elections in light of the CSAT reports and the Constitutional Court issued a press release in which it clarified that at this stage of the elections, it can analyse only complaints made by the two candidates who qualified for the second round of elections.¹⁰⁹
- 6 December 2024 – Hours after the second round of elections had begun abroad, the Constitutional Court annulled the entire electoral process regarding the election of the President of Romania, finding that the newly disclosed CSAT reports show that one candidate was unduly favoured and did not respect electoral law, and it established that the whole elections should start again, and until a new president is elected, the current one will remain in office. This decision was made without a formal complaint, but the court found that it is within its mandate of monitoring the constitutionality of elections.¹¹⁰
- There were several attempts to challenge this decision, some of which are still ongoing and some of which have already been rejected by the courts.

These decisions have been criticised by civil society organisations, which argue that they severely impair the right to vote, that measures such as banning people from the electoral race, asking for a recount of the vote without

107 ActiveWatch, *We call for urgent declassification of the information discussed at the CSAT meeting*, press-release issued by 13 NGOs, 4 December 2024, available at: <https://activewatch.ro/articole/solicit%C4%83m-desecretizarea-de-urgen%C8%9B%C4%83-a-informa%C8%9Biilor-discutate-%C3%AEen-%C8%99edin%C8%9Ba-csat/>

108 Romanian Presidency, press-release from 4 December 2024, available at <https://www.presidency.ro/ro/media/comunicate-de-presa/comunicat-de-presa1733327193>

109 Romanian Constitutional Court, press-release from 5 December 2024, available at <https://www.ccr.ro/comunicat-de-presa-5-decembrie-2024/>

110 Constitutional Court Decision No. 32 of December 6, 2024 on the annulment of the electoral process regarding the election of the President of Romania in 2024 (*Hotărârea nr. 32 din 6 decembrie 2024 privind anularea procesului electoral cu privire la alegerea Președintelui României din anul 2024*), available at <https://legislatie.just.ro/Public/DetaliiDocument/292099>

substantive indications of any fraud and then annulling the elections are all measures that put into question the right to vote.¹¹¹ They were also critical of the fact that it is unclear when the new elections will be held and that the court prolonged the mandate of the president for an indefinite period until a new president is sworn into office.¹¹²

The decision to annul the elections was also analysed by the Venice Commission, which in March 2025 is expected to adopt report 1218/2024 on the cancellation of election results by Constitutional Courts, prepared at the request of the Council of Europe, Parliamentary Assembly.¹¹³

Several organisations have also asked for the resignation of the head of the Electoral Authority,

accusing him of impartially and improper management of the electoral process.¹¹⁴

In January 2025 the government established the new date for presidential elections for 4 May 2025 and introduced a series of modifications, including reducing the time limit for when people can vote outside of Romania and introducing stricter rules on political advertising and transparency around political campaigning.¹¹⁵ Civil society organisations have been critical of these modifications, they criticised first of all the fact that these modifications were done in a non-transparent manner and without consulting key stakeholders, the drafts have neither been put to public debate nor have they reached the Economic and Social Council.¹¹⁶

111 APADOR-CH, *Can electoral rights seriously harm society?* press-release, 10 December 2024, available in Romanian at <https://apador.org/drepturile-electorale-pot-dauna-grav-societatii/>

112 APADOR-CH, *Is Romania's president trying to prevent people from voting?* press-release, 9 December 2024, available in Romanian at <https://apador.org/presedintele-romaniei-incearca-sa-impiedice-dreptul-la-vot/>

113 Council of Europe Venice Commission, Documents by opinions and studies, https://www.venice.coe.int/WebForms/documents/by_opinion.aspx?v=ongoing&&lang=EN&&fbclid=IwZXh0bgNhZW0CMTEAAR0-DfukG2kY-3B6ek_WJJvudIaSaRodELrZLjnzfdRDheFrottilbU3yE18_aem_DmeJLnR8YmtgKyepxqvBfQ.

114 NGOs for citizens coalition, *We call for the resignation of Mr. Toni Greblă, president of the Permanent Electoral Authority*, press-release issued by 23 NGOs and activists, on 6 December 2024, available at <https://www.stareademocratiei.ro/2024/12/06/solicitam-demisia-domnului-toni-grebla-presedintele-autoritatii-electorale-permanente/>

115 Romanian government, Press-release, 16 January 2025, <https://gov.ro/ro/guvernul/sedinte-guvern/briefing-de-pressa-la-finalul-edintei-de-guvern-sustinut-de-mihai-constantin-purtatorul-de-cuvant-al-guvernului1737030989>

116 NGOs for citizens coalition, *Changes to the electoral law must be made transparently and without affecting the fundamental rights of citizens*, press-release, 16 January 2025, <https://www.stareademocratiei.ro/2025/01/16/modificarea-legii-electorale-trebuie-facuta-transparent-si-fara-a-afecta-drepturile-fundamentale-ale-cetatenilor/>

CIVIC SPACE –

Key recommendations

- *Actively condemn and prosecute attacks and harassment of NGOs and activists.*
- *Use Votong.ro platform for all elections of civil society representatives.*
- *Actively engage and consult with civil society in developing policies and legislation.*

Freedom of association

A report on civil society in Romania in 2024 shows that:¹¹⁷

- In Romania there are about 127,000 non-governmental organisations, which in 2022 had around 127,000 employees and total revenues of RON 21 billion (about 1.51% of GDP);
- 24% of the population has made at least one donation to NGOs (up from 21% in 2016);
- The level of trust in NGOs has remained steady over the years, at around 50%;
- Members, employees and volunteers believe that the main difficulties for organisations in implementing projects are insufficient budget (69%) and insufficient human resources (61%), followed by legal barriers (32%), excessive demands from funders (28%), fiscal and administrative difficulties (24%), difficulties in working with beneficiaries (19%) and lack of trust from the public (17%);
- 85% of employees said they experience burnout to some degree (moderate to very high);
- fundraising is the main challenge for leaders (94% of respondents), followed by getting useful information from the non-governmental sector with 86% of respondents. Another significant challenge is related to identifying, recruiting and Mobilising volunteers: 58% of respondents. Organisational leaders also consider that they need support in terms of public communication (76% very much or very much), organisational assessment or digitalisation (over 70%).

117 Foundation for Civil Society Development (FDSC) “Romania 2024. The non-governmental sector. Profile, trends, challenges”, April 2024, available in Romanian at <https://www.fdsc.ro/cum-arata-sectorul-ong-din-romania/>

NGOs have complained about abusive banking practices, under the pretext of fighting money laundering. Banks have been accused of abusing their power over customers by closing accounts arbitrarily, seizing money, demanding documents and data that are absurd or impossible to provide.¹¹⁸

The Romanian government collaborated with civil society on the organisation of elections for the designation of civil society representatives in the Economic and Social Council, which allowed civil society to use a specially designed platform called *Votong.ro* where NGOs can submit their candidacy and other civil society organisations can vote on their representatives on the Economic and Social Council.¹¹⁹ Civil society has successfully used this platform and this can be considered as a good practice example for how civil society can elect their representatives in the various bodies whether they have such representation.

Similarly to 2023 in December 2024 NGOs again expressed concern about a renewed proposed modification to the Fiscal Code which would totally or partially eliminate the legal possibility for companies to redirect part of their corporate income tax to NGOs through sponsorship. Civil society groups warned that this would irremediably destroy the way in which sponsorship for civil society is done in Romania and around 50,000 people signed a petition against such measures.¹²⁰ This proposed modification did not pass.

According to press reports, DIICOT prosecutors have opened a criminal case against Greenpeace and other environmental organisations and activists, after the Minister of Energy allegedly filed a complaint against several environmental organisations that oppose energy projects with a high level of risk for the environment and public health, accusing them of working under Russian influence, against Romanian national interest.¹²¹ Several

118 APADOR-CH, *Who protects us from self-styled tax prosecutors - the banks?*, press release, 24 September 2024, available at <https://apador.org/cine-ne-apara-de-autointitulatii-procurori-fiscali-bancile/>

119 Romanian government, *Civil society nominates its representatives to the Economic and Social Council through the *VotONG* platform*, press-release, 11 October 2024, available at <https://sgg.gov.ro/1/societatea-civila-isi-de-semneaza-reprezentantii-in-consiliul-economic-si-social-prin-platforma-votong/>

120 The Community Relations Association, *Do NOT steal Christmas from millions of Romanians!*, petition, December 2024, available in Romanian at https://campaniamea.declic.ro/petitions/nu-furati-craciunul-a-milioane-de-romani-1?fbclid=IwZXh0bgNhZW0CMTEAAAR2nDGvI4IRRVZQYvw1ItMi1pFZ5LS_JWPzkoAeSyf0Y4o9WI4OCLAu1QTw_aem_2JhCHU8ihmKsXMPNi8Aj3Q

121 Damian Matei, Alin Ionescu, *Criminal case at the DIICOT after a complaint by the Minister of Energy against organisations opposing energy projects. The complaint targets several environmental activists, including Greenpeace*, G4Media, 4 October 2024, available at <https://www.g4media.ro/surse-dosar-penal-la-diicot-dupa-o-plangere-a-ministrului-energiei-fata-de-organizatii-care-se-opun-unor-proiecte-energetice-plangerea-vizeaza-mai-multi-activisti-de-mediul-inclusiv-greenpeace-upda.html>

organisations reacted and accused the Minister of trying to scapegoat NGOs and trying to silence and threaten them.¹²²

As presented in the 2023 and 2024 rule of law reports, there is a worrying trend in which NGOs are targeted by real estate developers in a series of SLAPP cases by which the plaintiffs seek the closure of the organisations. These cases are still ongoing. One of them was decided on appeal in December 2024 and the court rejected the request of the real estate developer, who claimed damages amounting to €1 million from several NGOs.¹²³ In March 2024 a real estate developer initiated a new case in which it is asking for the closure of the Salvati Bucureștiul Association.¹²⁴

Freedom of peaceful assembly

Civil society groups have argued that persons who participated or expressed their intention to participate in the protests against the war in Gaza were intimidated or pressured by police to discourage them from exercising their fundamental right to freedom of peaceful assembly, by prohibiting them from displaying certain messages, being subjected to excessive

body control measures, summoned to police headquarters, receiving house visits by police officers accompanied by ‘friendly’ recommendations not to post messages on social networks about the protests or the Middle East conflict and not to discuss them with others. The organisations claimed that although these protests were attended by a limited number of people, no incidents were recorded and no discriminatory, violent or hate messages were displayed or expressed, excessively restrictive and intimidating measures by law enforcement continued to be applied.¹²⁵

Freedom of expression and of information

Several human rights organisations criticised the jurisprudence of the National Council for Combating Discrimination (Consiliul Național pentru Combaterea Discriminării) in two cases. In one of the cases, it found that a publishing house did not discriminate against an LGBTQIA+ organisation when refusing to publish material on forms of aggression against members of the LGBTQIA+ community; in another case, it sanctioned discriminatory artworks reinterpreting scenes from Christian

122 Greenpeace Romania, *Energy Minister Sebastian Burduja attacks environmental organisations and justice in Romania*, press-release published by 32 NGOs, 10 December 2024, available at <https://www.greenpeace.org/romania/comunicat-presa/10120/ministrul-energiei-sebastian-burduja-ataca-organizatiile-de-mediu-si-justitia-din-romania/>

123 Bucharest Court of Appeal, Case 17119/3/2022, 10 December 2024, https://portal.just.ro/2/SitePages/Dosar.aspx?id_dosar=300000001024226&cid_inst=2

124 Bucharest Tribunal, Case no 8144/3/2024, still ongoing on 16 January 2024, https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001116991&cid_inst=3

125 ActiveWatch, *Militia and security ghosts haunt the police and gendarmerie*, press-release, 22 May 2024, available at <https://activewatch.ro/articole/fantomele-militiei-si-securitatii-bantuie-politia-si-jandarmeria/>

iconography, which were considered to be defamatory towards Christians.¹²⁶ These decisions were seen as discrediting efforts to combat discrimination and the institution itself, as it increasingly deviates from its mission as a guarantor of respect for and enforcement of the principle of non-discrimination.

In the context of the elections organised in 2024, Romanian authorities have been criticised for applying in an abusive manner legislation which does not allow electoral propaganda after the end of the campaign, punishing violations with fines ranging from RON1,500 to 4,500 (approximately €300 to €900). The police applied 58 fines for the European parliamentary elections and 33 for the presidential elections, and they have been accused of being overzealous, not only fining people who post-electoral messages on the Internet but also asking them through house visits or phone calls, under various threats and intimidation, to delete them.¹²⁷

Attacks and harassment

In January 2024 a known activist was taken to a police station for questioning and a body search as a result of a post she made on Facebook. She argues that she was taken from an address which is not her official address and could not have been known to the authorities unless she was previously placed under surveillance. She also claimed that the police acted in an abusive manner and that her questioning was just a means of silencing and threatening her.¹²⁸ Several human rights organisations criticised the action and also flagged that it seems she was questioned without a warrant from prosecutors, contrary to previous police statements, and that there are indications she was placed under surveillance by the secret services.¹²⁹

Civil society organisations have criticised a TV program for a debate in which the guests and moderator argued, without providing any evidence, that NGOs are controlled by the Romanian secret services, that NGOs are controlled/manipulated from outside the country, that state institutions and politicians do not take action because they are afraid of them,

126 ActiveWatch, *CNCD condones discrimination but sanctions art*, press-release, 30 January 2024, available in Romanian at <https://activewatch.ro/articole/cncd-cautioneaza-acte-de-discriminare-dar-sanctioneaza-arta/>

127 APADOR-CH, *How election advertising was fined in the European elections compared to the presidential elections*, press-release, 12 December 2024, available in Romanian at <https://apador.org/cum-a-fost-amendata-propaganda-electorala-la-europarlamentare-comparativ-cu-prezidentialele/>

128 ActiveWatch, *Police abuse: body search at police station for Facebook post*, press-release, 15 January 2024, available at <https://activewatch.ro/articole/abuz-al-politiei-perchezitie-corporala-la-sectie-pentru-o-postare-pe-facebook/>

129 ActiveWatch, *Serious attack on a civic activist's freedom of expression. Angi Serban case*, press-release signed by 70 civil society groups and activists, 30 January 2024, available at <https://activewatch.ro/articole/grav-atentat-la-adresa-libertatii-de-exprimare-a-unui-activist-civic-cazul-angi-serban/>

and that their funding is opaque and violates legal obligations on fiscal reporting to state authorities.¹³⁰

In the wake of a decision on an arbitration case involving the Romanian state and a Canadian corporation over the Rosia Montana gold mine,¹³¹ Romanian news outlets and politicians carried out a campaign consisting of statements in which they said they expected Romania to lose the case and were already blaming civil society activists and NGOs for the loss, and argued Romania would have to pay huge fines because of their activity.¹³² The case was decided in favour of Romania.

Roma rights activists received online death threats on their personal accounts from various sympathisers of fascist ideology, including: “Heil Hitler. Jews and Gypsies must be eliminated. And all impure races” and “Bullets in your jaw!”¹³³

A legislative initiative tabled in the Romanian Parliament wants to ban any discussion about the LGBTQIA+ community in public spaces and schools, in the media and any public gathering of the LGBTQIA+ community, including LGBTQIA+ protests and Pride Marches.¹³⁴ The same member of Parliament submitted another similar law proposal on 25 November 2024, this time aiming to amend multiple laws that, among other things, seek to limit the visibility of the LGBTQIA+ community in public spaces, by prohibiting content related to the community “in environments accessible to minors”.¹³⁵

Following a news article criticising the fact that a Bucharest local public institution had some unauthorised work done on its building, the head of that institution threatened the journalists involved and the NGO which supported the journalists, claiming that it would come to the NGO’s office with the police and

130 ActiveWatch, *CNA Complaint - Anti-NGOs abuse on Realitatea TV*, press-release, 3 December 2024, available at <https://activewatch.ro/articole/sesizare-cna-derapaje-anti-ong-uri-la-realitatea-tv/>

131 ICSID (International Centre for Settlement of Investment Disputes), Decision on Award, Gabriel Resources Ltd. and Gabriel Resources (Jersey) Ltd VS. Romania, (No. ARB/15/31) https://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C4706/DS19558_En.pdf

132 Active Watch, *The strange Roşia Montană case. The Romanian press and painted black swans*, FreeEx Digest no. 8, 20 June 2024, available in Romanian at <https://activewatch.ro/publicatii/ciudatul-caz-ro%C8%99ia-montan%C4%83-presa-rom%C3%A2neasc%C4%83-%C8%99i-lebedele-negre-vopsite-freeex-digest-nr-8/>

133 Roma for Democracy Romania, Facebook post, 5 December 2024, available at https://www.facebook.com/story.php?story_fbid=1022959396510838&id=100063903606828&rdid=f4rIOimRXhu4OqNi

134 Mozaiq association, *Another anti LGBT legislative initiative in Romania*, a press-release, 19 September 2024, available at <https://www.mozaiqlgbt.ro/2024/09/inca-o-initiativa-legislativa-anti-lgbt-in-romania/>

135 Center for Legal Resources, *A new attack on fundamental rights*, press-release, 28 November 2024, available at <https://www.crj.ro/un-nou-atac-asupra-drepturilor-fundamentale/>

prosecutors and that they will inspect their office and will surely find something illegal.¹³⁶

Online civic space

An LGBTQIA+ association has lodged a criminal complaint after messages calling for the destruction of the association's headquarters appeared online and its address was made public.¹³⁷

Parliament is considering a law proposal designed to combat the deepfake phenomenon in Romania, but recent amendments would introduce jail sentences for creators of deepfake content and those who disseminate that content, including content that normally falls under satire, pamphleteering or sci-fi art.¹³⁸

Public participation

On 21 December 2023, the Ministry of Energy published the revised National Integrated Energy and Climate Change Plan and invited all interested parties to send their opinions by 21 January 2024.¹³⁹ Several environmental organisations criticised the Ministry of Energy and claimed this is not a proper consultation. They criticised the fact that it was not properly advertised, and the short deadline set, because of which they asked for an extension of the public consultations.¹⁴⁰ Following these accusations, the Ministry of Energy decided to extend the consultation period and to organise three rounds of public debates between February and March 2024 on the revised National Integrated Energy and Climate Change Plan.¹⁴¹

136 Buletin de Bucuresti, *Dragoș Frăsineanu, the head of the Capital's Directorate for Culture, to Buletin de București reporter: "Tomorrow I'll be at your doorstep, with the police and the prosecutor's office. It is not the time to ruin your life"*, news article, 10 January 2025, <https://buletin.de/bucuresti/seful-directiei-pentru-cultura-din-capitala-dragos-frasineanu-care-reporterul-buletin-de-bucuresti-maine-sunt-la-voi-la-usa-cu-politie-si-procuratura-nu-e-cazul-sa-ti-distru-gi-viata/>

137 G4Media, *According to a an association representing sexual minorities, it has filed a criminal complaint after messages calling for the destruction of the association's headquarters appeared online and its address was made public*, press article, 26 November 2024, available at <https://www.g4media.ro/o-asociatie-care-reprezinta-minoritatile-sexuale-a-depus-plangere-penala-dupa-ce-in-mediul-online-au-aparut-mesaje-care-indeamna-la-distrugerea-sediului-asociatiei-iar-adresa-acesteia-a-fost-facuta-p.html>

138 APADOR-CH, *Romania 2024 - 6 months to 2 years in jail for pamphleteering and other deepfakes*, press-release, 8 February 2024, available in Romanian at <https://apador.org/romania-2024-intre-6-luni-si-2-ani-puscarie-pentru-pamflet-si-alte-deepfake-uri/>

139 Ministry of Energy, *press-release*, 22 December 2023. <https://energie.gov.ro/pniesc/>.

140 2Celsius, Bankwatch, Declic, Greenpeace and WWF-Romania, *Environmental organisations: Energy Ministry, false public consultations on PNIESC*, press-release, 19 January 2024, <https://www.greenpeace.org/romania/articol/9414/organizatii-de-mediu-ministerul-energiei-false-consultari-publice-in-legatura-cu-pniesc/>

141 Ministry of Energy, *press-release*, 16 February 2024, https://energie.gov.ro/wp-content/uploads/2024/02/Anunt_dezbateri-publice-proiect-PNIESC-revizuit_prelungire-termen-inscriere-si-date-de-conectare_16.02.2024.pdf.

DISREGARD OF HUMAN RIGHTS OBLIGATIONS AND OTHER SYSTEMIC ISSUES AFFECTING THE RULE OF LAW ENVIRONMENT

Key recommendations

- Ensure effective implementation of ECtHR decisions, by adapting existing policies and practices to be in line with recommendations formulated in ECtHR decisions and Committee of Ministers' Recommendations.
- Develop comprehensive policies to prevent and combat sexual harassment, including in public institutions and in the university environment, which would allow easier reporting of sexual misconduct and termination of working contracts for people accused of sexual misconduct.

Systemic human rights violations

Implementation of decisions by supranational courts, such as the Court of Justice of the EU and the European Court of Human Rights

On 23 January 2024, the Ombudsman (*Avocatul Poporului*) published a special report on the monitoring of the implementation of ECtHR decisions on involuntary admissions to psychiatric hospitals. The report draws on existing ECtHR jurisprudence, observations made

during monitoring visits to mental health institutions and information received from competent authorities, such as mental health institutions, police, and courts, which are interpreted and contextualised.¹⁴² The main conclusions of the report are that many psychiatric institutions are overcrowded, with monitoring visits finding units with two and even three patients in one bed and many of the visited institutions were understaffed, whilst existing bureaucratic and legal procedures are unclear and lengthy and they do not offer sufficient guarantees that

142 Romanian Ombuds (*Avocatul Poporului*) Special report on the monitoring of the implementation of ECtHR decisions on involuntary admissions to psychiatric hospitals (*Raport special privind monitorizarea implementării deciziilor CEDO în cazul internărilor nevoluntare în spitalele de psihiatrie*), 23 January 2024, pages 3, 4 available at <https://avp.ro/wp-content/uploads/2024/01/Raport-special-monitorizarea-implementarii-deciziilor-CEDO.pdf>

patients can have an informed and active participation in these procedures.¹⁴³

On 12 March 2024, the Ombudsman published a special report on the difficulties encountered by people with disabilities, who are patients and whose social-economic status warrant prolonged hospitalisation. The report looks specifically at adults with mental health problems or psychosocial disabilities who are hospitalised in general hospitals for various health conditions and who cannot be discharged because they either do not have a home to go to, or their home has inappropriate living conditions, or do not have any caregivers to assist them in the recuperation process and there is no place in specialised institutions for them. Because of this they are kept in the hospital for prolonged periods until a suitable option is identified for them or until they are completely recovered.¹⁴⁴

School segregation of Roma children continues to be an issue in Romania. Roma continue to be the most discriminated minority and young Roma people's access to education is drastically restricted by the authorities' passivity to remedy segregation in the school environment, according to civil society reports.¹⁴⁵

Sexual violence against women is highly prevalent in Romanian society, as in the first six months of 2024 alone, the police reported 648 cases of rape and 1,983 cases of rape of a minor. In addition, hundreds of cases of sexual assault, sexual corruption of minors, solicitation of minors for sexual purposes, and sexual harassment were recorded. Because of this civil society has been asking for concrete measures to fight sexual violence.¹⁴⁶

Sexual abuse is also prevalent in Romanian universities. An analysis shows that at least 22 out of 76 Romanian universities (52 state and 24 private) had cases of sexual harassment and

143 Romanian Ombuds (*Avocatul Poporului*) Special report on the monitoring of the implementation of ECtHR decisions on involuntary admissions to psychiatric hospitals (*Raport special privind monitorizarea implementării deciziilor CEDO în cazul internărilor nevoluntare în spitalele de psihiatrie*), 23 January 2024, pages 33-36 available at <https://avp.ro/wp-content/uploads/2024/01/Raport-special-monitorizarea-implementarii-deciziilor-CEDO.pdf>.

144 Romanian Ombuds (*Avocatul Poporului*) Special report on the difficulties encountered by people with disabilities, who are patients and whose social-economic status warrant prolonged hospitalization (*Raport special privind dificultățile pe care le întâmpină persoanele cu dizabilități, respectiv pacienții a căror situație socială determină prelungirea spitalizării*), 12 March 2024, page 8, available at <https://avp.ro/wp-content/uploads/2024/03/Raport-special-cazuri-sociale-dezinstitutionalizare.pdf>.

145 Center for Legal Resources, *Roma school segregation in Romania*, report, 3 July 2024, available at <https://www.crlj.ro/segregarea-scolara-a-romilor-in-romania/>

146 ANAIS, *Petition for the safety of girls and women*, press-release issued by 40 organisations, 14 October 2024, available at <https://asociatia-anais.ro/petitie-pentru-siguranta-fetelor-si-femeilor/>

the victims were predominantly female, both students and teaching staff,¹⁴⁷ as reported by the representatives of the Council for University Ethics and Management.

Other systemic issues

Political representation of women continues to be very low. Following the local elections from 9 June 2024, only 9% of elected mayors are women.¹⁴⁸ Also, only 21% of elected Members of Parliament are women and some parties had their lists with candidates invalidated because there were no women included.¹⁴⁹ Interviews with female politicians revealed that they are often subjected to harassment and discrimination, to insults, mostly relating to their sexuality: references to rape, promiscuity, the use of sex to obtain a position, or infidelity. There are signs of institutionalised sexism that is a major obstacle to increasing political representation of women.¹⁵⁰

147 Council for University Ethics and Management, Report on sexual harassment in universities, December 2024, https://www.edu.ro/sites/default/files/Raport_CEMU_2024_cazuri_hartuire_sexuala_mediu_universitar.pdf

148 Centrul Filia, *Following the June 9 elections, only 7%* of mayors are women*, analysis, 11 June 2024, available at <https://centrulfilia.ro/in-urma-alegerilor-de-pe-9-iunie-doar-7-dintre-primari-sunt-femei/>

149 Iulia Roșu (Snoop.ro), David Leonard Bularca, *Politics for men only. PNL has 9 women out of 71 senators and deputies in the new Parliament. The other parties?*, Hotnews, 10 December 2024, available at <https://hotnews.ro/politica-doar-pentru-barbati-pnl-are-in-noul-parlament-9-femei-din-71-de-senatori-si-deputati-celelalte-partide-1857881>

150 Diana Meseșan, *Violence against women in politics has become national doctrine: 'You are reduced to your function of having children and producing pleasure'*, Recorder, 22 October 2024, available at <https://recorder.ro/violenta-impotriva-femeilor-din-politica-a-devenit-doctrina-nationala-esti-redusa-la-functia-ta-de-a-face-copii-si-de-a-produce-placere/>

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APADOR-CH is a non-governmental organisation working to raise awareness on human rights issues and promote human rights standards and the rule of law in Romania and the region.

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